

House Study Bill 129 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act relating to the procedure for obtaining an
2 administrative release from the Iowa civil rights
3 commission.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.16, Code 2017, is amended to read as
2 follows:

3 **216.16 ~~Sixty-day administrative release~~ Release to file**
4 **private action in district court.**

5 1. A person claiming to be aggrieved by an unfair or
6 discriminatory practice ~~must~~ shall initially, and as a
7 jurisdictional prerequisite to any action for relief in the
8 district court, seek an administrative relief by filing a
9 complaint with the commission in accordance with section
10 216.15. This provision also applies to persons claiming to be
11 aggrieved by an unfair or discriminatory practice committed by
12 the state or an agency or political subdivision of the state,
13 notwithstanding the terms of the Iowa administrative procedure
14 Act, [chapter 17A](#).

15 2. a. After the proper filing of a complaint with the
16 commission, a complainant may subsequently commence an action
17 for relief in the district court if all of the following
18 conditions have been satisfied:

19 ~~a.~~ (1) The complainant has timely filed the complaint with
20 the commission as provided in [section 216.15, subsection 13](#).

21 ~~b.~~ (2) The complaint has been on file with the commission
22 for at least sixty days and the commission has issued a release
23 to the complainant pursuant to [subsection 3](#).

24 ~~3. a. Upon a request by the complainant, and~~

25 (3) The action for relief in district court is filed within
26 ninety days after the expiration issuance by the commission
27 of sixty days from the timely filing a release pursuant to
28 subsection 3.

29 b. If one or more of a complaint with the commission, the
30 commission shall issue to the complainant a the conditions
31 in paragraph "a" have not been met, an action for relief
32 in district court is barred for lack of subject matter
33 jurisdiction.

34 3. A release stating that the complainant has a right to
35 commence an action in the district court. A release shall be

1 issued upon the occurrence of either of the following:

2 a. The complainant's request for a release during the
3 commission's investigation, provided the complaint has been on
4 file with the commission for at least sixty days.

5 b. The complaint is closed as an administrative closure.

6 4. A release under ~~this subsection~~ 3 shall not be issued if
7 any of the following apply:

8 ~~{1}~~ a. A finding of no probable cause has been made on the
9 complaint by the administrative law judge charged with that
10 duty under section 216.15, subsection 3.

11 ~~{2}~~ b. A conciliation agreement has been executed under
12 section 216.15.

13 ~~{3}~~ c. The commission has served notice of hearing upon the
14 respondent pursuant to section 216.15, subsection 6.

15 ~~{4}~~ ~~The complaint is closed as an administrative closure and~~
16 ~~two years have elapsed since the issuance date of the closure.~~

17 ~~b.~~ 5. Notwithstanding section 216.15, subsection 5, a party
18 may obtain a copy of all documents contained in a case file
19 where the commission has issued a release to the complainant
20 pursuant to this subsection 3.

21 ~~4.~~ 6. An action authorized under this section is barred,
22 and the district court lacks subject matter jurisdiction over
23 such action, unless such action is commenced within ninety days
24 after issuance by the commission of a release under subsection
25 3. If a complainant obtains a release from the commission
26 under subsection 3, the commission is barred from further
27 action on that complaint.

28 ~~5.~~ 7. Venue for an action under this section shall be in
29 the county in which the respondent resides or has its principal
30 place of business, or in the county in which the alleged unfair
31 or discriminatory practice occurred.

32 ~~6.~~ 8. The district court may grant any relief in an action
33 under this section which is authorized by section 216.15,
34 subsection 9, to be issued by the commission. The district
35 court may also award the respondent reasonable attorney fees

1 and court costs when the court finds that the complainant's
2 action was frivolous.

3 ~~7.~~ 9. It is the legislative intent of **this chapter** that
4 every complaint be at least preliminarily screened during the
5 first one hundred twenty days.

6 ~~8.~~ 10. **This section** does not authorize administrative
7 closures if an investigation is warranted.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with
10 the explanation's substance by the members of the general assembly.

11 This bill modifies the procedure required to be followed
12 before a person can pursue a private action in district court
13 regarding an unfair or discriminatory practice under Code
14 chapter 216, the Iowa civil rights Act.

15 Under current Code section 216.16, a person pursuing relief
16 from an alleged unfair or discriminatory practice must file a
17 complaint with the Iowa civil rights commission. The person
18 may request an administrative release after a timely filed
19 complaint has been on file with the commission for 60 days.

20 The bill requires a person to file an action for relief in
21 district court within 90 days of issuance of the release by the
22 commission. Correspondingly, the bill also removes the current
23 restriction that the commission cannot issue an administrative
24 release relating to a complaint that has been administratively
25 closed for two years.